

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SDR-25253 - APPLICANT/OWNER:
INTERNATIONAL CHURCH OF LAS VEGAS**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0063-94) and Site Development Plan Review [Z-0063-94(1)].
2. Site Development Plan Reviews [Z-0063-94(4), Z-0063-94(7), and SDR-3085] are hereby expunged.
3. This approval shall be void two years from the date of final approval. After two years, continuance of all modular buildings at this location will require a new Site Development Plan Review application to be heard by the Planning Commission.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped: 10/11/07, except as amended by conditions herein.
5. Prior to the submittal of a building permit application for the non-permitted structures, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

10. The temporary modular trailer shall be located outside of the existing 30-foot wide public sewer and drainage easement. No structures shall be allowed to encroach upon existing public easements.
11. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Summerlin Parkway Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
12. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for eight existing modular buildings and an outside storage area at a Church. The addresses of the modular buildings are 8100 Westcliff Drive. This application seeks to establish a Site Development Plan Review to establish a coordinated plan for the removal and replacement of the temporary modular buildings with intended permanent structures that were originally approved under previous reviews.

As such, the current layout of the existing temporary structure, some with expired approvals and some that have never received approval, has created a discordant site plan that is not compatible with the neighboring residential properties. Staff recommends denial of this review and requests that the applicant continue to work with the Planning and Development Department to bring the Church/House of Worship to compliance with the original development approvals.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
4/07/93	The City Council approved a request for a Rezoning (Z-0012-93)
8/03/94	The City Council approved a Rezoning (Z-0063-94) application for the reclassification of property located on the northwest corner of Westcliff Drive and Cimarron Road, from N-U (Non-Urban) to C-V (Civic), for the proposed use of an 88,500 square-foot Church and School. The Planning Commission recommended approval on 07/14/94.
5/11/95	The Planning Commission approved a Site Development Plan Review [Z-0063-94(1)] application for proposed modular classrooms, meeting hall and modular offices of temporary buildings to be removed in three years on property located at 8100 Westcliff Drive. Staff recommended approval.
4/25/96	The Planning Commission approved a request for a Review of Condition [Z-0063-94(2)] to delete Condition No. 3 of Site Development Plan [Z-0063-94(1)] to allow a chain link fence where a four to six-foot high wrought iron fence was required on property located at 8100 Westcliff Drive. Staff recommended approval.
12/19/96	The Planning Commission approved a Site Development Plan Review [Z-0063-94(3)] for a proposed breezeway on property located at 8100 Westcliff Drive. Staff recommended approval.

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4/23/98	The Planning Commission approved a Site Development Plan Review [Z-0063-94(4)] application for a proposed 52,225 square-foot Church multi-use facility to include a sanctuary with seating capacity of 3,256, a gymnasium, classrooms, bookstore and nursery on property located at 8120 Westcliff Drive. Staff recommended approval.
4/23/98	The Planning Commission approved a request for a Review of Conditions [Z-0063-94(5)] to delete Condition No. 2 of Site Development Plan [Z-0063-94(1)] which required all temporary buildings to be removed within three years on property located at 8120 Westcliff Drive. Staff recommended approval.
12/09/99	The Planning Commission approved a Site Development Plan Review [Z-0063-94(6)] application for a proposed 45-foot high Wireless Communications Antenna in conjunction with a Church tower sign on property located at 8100 Westcliff Drive. Staff recommended approval.
9/07/00	An Administrative Site Development Plan Review [Z-0063-94(7)] was approved for four proposed 24-foot by 60-foot modular buildings on 15.00 acres on the northwest corner of Westcliff Drive and Cimarron Road.
11/02/00	The Planning Commission approved a Site Development Plan Review [Z-0063-94(8)] application for a proposed 21,000 square-foot private school at 8100 Westcliff Drive. Staff recommended approval.
11/14/03	An Administrative Site Development Plan Review (SDR-3085) was approved by staff for a temporary modular trailer in conjunction with an existing church on 12.89 acres at 8100 Westcliff Drive.
7/06/05	The City Council approved the requests for a Variance (VAR-6426) to allow a 24-foot side yard setback where residential adjacency standards require 165 feet and the related Site Development Plan Review (SDR-6424) for a proposed 55-foot tall Wireless Communication Facility on 12.34 acres adjacent to the northwest corner of Westcliff Drive and Cimarron Road. The Planning Commission recommended approval.
4/11/07	An Administrative Site Development Plan Review (SDR-19824) to allow a proposed five-foot extension to an existing 55-foot Wireless Communication Facility, Stealth design at 8100 Westcliff Drive
5/10/07	An Administrative Site Development Plan Review (SDR-20791) was denied to allow a proposed five-foot extension to an existing 55-foot Wireless Communication Facility, Stealth design at 8100 Westcliff Drive as a Special Use Permit and Variance were required.
12/06/07	An Administrative Site Development Plan Review (SDR-25293) was approved to allow a proposed co-location of antennas to an existing 55-foot tall sign at 8100 Westcliff Drive.
12/06/07	The Planning Commission approved a request to abey this item until the 1/10/08 Planning Commission Meeting.

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<i>Code Enforcement Cases</i>	
4/27/05	Code Enforcement Case #29303: complaint regarding the installation of a "net" near barricade at the end of Cimarron filed. Complainant feels this net will hinder water flow and trash/debris will get clogged up in net. This case was resolved on 5/17/05.
10/12/05	Code Enforcement Case #35304: complaint regarding the installation of a "net" near barricade at the end of Cimarron filed. This case was resolved on 10/17/05.
10/21/05	Code Enforcement Case #35525: complaint regarding three piles of dirt dumped in the street at the entrance of the condo. This case was resolved on 11/28/05.
6/19/07	Code Enforcement Case #54539: complaint regarding noise and a related an illegal event. Other zoning violations regarding illegal structures and outside storage areas were determined during site inspection. This case has not been resolved.
<i>Related Building Permits/Business Licenses</i>	
7/27/06	L-3583-05: Installation of Cellular Tower
10/28/06	L-3793-06: Tenant Improvement for church stemming from non-permitted construction of a partition wall. The permit expired and has not received final inspection.
2/24/05	L-0052-04: Temporary office trailer at 8100 Westcliff Drive.
7/15/05	Over-the-counter Building Permit #46937 issued for interior demolition and tenant improvement work with permit or licensed contractor. This license expired 9/06/06 without final inspection.
10/03/06	Building permit #51785 issued for wall fence. This permit received final inspection on 8/14/06
4/14/06	Over-the-counter Building Permit #63538 for temporary generator cell site. 7/20/06.
7/13/07	Business License #N15-00026 issued for a Child Care Center and Preschool at 8106 Westcliff Drive.
<i>Pre-Application Meeting</i>	
9/14/07	A pre-application meeting was held with staff to discuss matters concerning recent Code Enforcement citations and the remaining temporary structures located on site. Staff determined to address the multiple remaining temporary structures by expunging past actions and completing a new Site Development Plan Review.
<i>Neighborhood Meeting</i>	
A Neighborhood meeting is not required, nor was one held.	

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Field Check	
10/23/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • The outdoor storage area is inadequately screened and unpaved with large shipping containers visible from Cimmaron Road and Summerlin Parkway. • One of the modular buildings, addressed as 8110 Westcliff Drive, has been refinished with a stucco exterior and a landscape planter placed at the south of the building. • A refrigerated trailer has been placed behind three of the temporary modular buildings (classrooms) and is located within a drainage easement. • There is adequate parking for each cluster of throughout the site. • The three modular classrooms do not show addresses and two modular buildings are marked with unrecorded addresses.

Details of Application Request	
Site Area	
Net Acres	12.34 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church and Primary School	PF (Public Facility)	C-V (Civic)
North	ROW (Summerlin Parkway)	ROW (Summerlin Parkway)	ROW (Summerlin Parkway)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Residential/ Town Homes	L (Low Density Residential)/ M (Medium Density Residential)	R-1 (Single Family Residential)/ R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single Family Residential/ Town Homes	MLA (Medium-Low Attached)	R-PD8 (Residential Planned Development – 8 Units per Acre)/ R-PD11 (Residential Planned Development –11 Units per Acre)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V Civic District	X		N
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

C-V Civic District

Per Title 19.06.020, the minimum development standards for property in the C-V District shall be established by the City Council in connection with the associated application for Rezoning (Z-0063-94) or administratively in connection with the approval of a site development plan [Z-0063-94(1)]. This Site Development Review request does not comply with the previous approvals as the all required the eventual removal of the temporary structures.

DEVELOPMENT STANDARDS

The subject site is located with the C-V (Civic) Zoning District and, as such, the minimum development standards have been established with the approval of the original Site Development Plan Review Z-0063-94(1). This site has received eight subsequent approvals regarding the location of the existing temporary modular buildings and the location of a Wireless Communication Facility, Non-Stealth design. With the exception of the outside storage area and a temporary structure (refrigerated trailer), all the temporary structures located on site have received conditional approvals that have since expired. Staff finds that this current Site Development Plan Review is in not in general compliance with the most recent Administrative Site Development Plan Reviews SDR-3085 and Z-0063-94(7), which was all specifically related to the placement of the temporary structures. The previous Site Development Plan Review, Z-0063-94(8), for a 21,000 square-foot school required that the applicant submit an aesthetic enhancement plan for one of the modular buildings for Planning Commission Review and to submit an aesthetic enhancement plan for the remaining temporary modular buildings.

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Recommended			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Sanctuary [Z-63-94(4)]	52,225 SF	1: 100 SF	523				
Modular Offices [Z-63-94(4)]	5,760 SF	1:300 SF	20				
Private school [Z-63-94(8)]	21,000 SF	3 spaces per class	58				
SubTotal			601	13	708	14	
TOTAL (including handicap)			601		708		Y*

**No alterations have been proposed with this Site Development Plan Review. This application is seeking approval of the expired temporary building and the placement of a temporary building (refrigerated food storage), and the creation of an outside storage area. The storage trailer and storage areas do not increase the overall parking load as these uses do not have parking requirements. Staff has no objection with the current parking provisions.*

ANALYSIS

- **Land Use and Zoning**

The provided site plan indicates an existing church building with eight existing temporary modular buildings. Three of those modular buildings serve as classrooms and do not have addresses. Two of these modular buildings serve as administrative buildings and are addressed 8108 and 8110 Westcliff Drive.

All of the existing modular buildings have received conditioned approvals requiring eventual removal from the site. The current site layout is not compatible with the previous approvals that have established this 12.8 acre C-V (Civic) Zoning District. The most recent comprehensive Site Development Plan Review, Z-0063-94(8) was approved for a 21,000 square-foot private school, while this Site Development Plan Review is operating counter to this approval by adding more temporary buildings where the intent was to remove them. Therefore, staff recommends denial.

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- **Site Plan**

- **Temporary Modular Buildings**

Four of the eight existing temporary modular buildings were approved for this site on September 7, 2000 under Site Development Plan Review Z-0063-97(7). Of those four, three of the modular buildings are located approximately 105 feet from the north side of 8100 Westcliff Drive (the sanctuary building) and are located 40 feet from the property line. None of these three modular buildings have addresses recorded with the City of Las Vegas. The fourth modular building is located 20 feet east of 8102 Westcliff Drive (the existing administrative building) toward the north end of the site. Although this 60-foot by 24-foot unit is marked for an address of 8110 Westcliff Drive, this address has not been recorded with the City.

A fifth temporary structure was approved under Administrative Site Development Plan Review (SDR-3085) for a 2,130 square foot modular office building. This structure is located just north of 8110 Westcliff Drive and east of 8106 Westcliff Drive. This structure is addressed as 8108 Westcliff Drive but does not have this address properly recorded with the City of Las Vegas.

The last three remaining temporary structures are a 320 square-foot refrigerated trailer used for storing food, a 140 square-foot structure for kitchen storage, and a 36 square-foot shed. None of these structures have received previous approval and have been placed on site without permits. One structure of concern, the refrigerated trailer approximately 125-feet north of 8100 Westcliff Drive, must be relocated as it is currently situated in a drainage easement.

Two 1,440 square-foot modular units spaced ten feet apart have received final approval under a Review of Conditions Z-0063-94(5) and both have recorded addresses of 8104 and 8106 Westcliff Drive with these modular buildings currently operating as classrooms. Although these buildings are considered as part of this review, they are no longer considered temporary structures.

- **Outside Storage Area**

Within close proximity is a screened area between the north temporary modular building located at 8106 Westcliff and the turf field located at the north end of the site. This dedicated open area storage has three 320 square-foot shipping containers, one 320 square-foot shipping container, and various smaller items enclosed by a six-foot high screened-fence. These containers are not anchored nor are they placed on any type of pad. All four of the containers are visible above the six-foot screen fence. Access to the outside storage area is from a cul-de-sac, adjacent to the

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western property line, which abuts the neighboring residential property. Upon a field-check, staff observed that the outside storage is visible from off-site; therefore, staff recommends removal and replacement of the current outside storage area with a design that is adequately screened from the public right-of-way.

Since all of the previous approvals were for a permanent school building, staff does not find reason to extend the approval of the modular buildings on the site. Therefore staff recommends that the modular buildings be removed from the site.

- **Landscaping and Parking**

This Site Development Review concerns the remaining temporary structures on site that have all been conditioned for removal. Staff has no concerns with the current landscaping or the previous approvals addressing the landscaping requirements. Additionally, all parking concerns have been adequately addressed with the previous approvals and the provided parking is more than the minimum amount required per the most recent comprehensive approval Z-0063-94(8).

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

Although this site has received previous approval for proposed school buildings that were determined to be compatible with the surrounding multiple family residential developments to the north, west and east sides of the site, staff finds that the eight existing temporary structures are not conducive with the adjacent development. All previous approvals regarding the temporary modular buildings were conditioned with the expectation that they would be removed upon completion of the permanent buildings. As this has not been the case, with two additional temporary buildings be placed without approval, staff recommends denial of this Site Development Plan Review.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The existing temporary modular buildings do not comply with the previous Planning approvals for the C-V (Civic) Zoning District standards established under Site Development Plan Reviews [Z-0063-94(1), Z-0063-94(4), Z-0063-94(7), Z-0063-94(8),

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or SDR-3085]. Each of these prior approvals required removal dates for the temporary structures, all of which have since expired by at least two years. The last Administrative Site Development Plan Review (SDR-3085) required that a new Site Development Plan Review be completed if the modular buildings remain past November 14th, 2005.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Main access to the site is from Cimmaron Road, a Secondary Collector, with secondary access provided from Westcliff Drive, a Primary Arterial. The eight existing temporary modular buildings have not had a significant impact on the internal circulation of the site.

4. Building and landscape materials are appropriate for the area and for the City;

Staff finds that the existing temporary modular buildings are all distinct in appearance and contribute to a negative, discordant site appearance. The previous site approvals sought to phase-out the temporary structures and replace them with permanent buildings finished in materials similar to the appearance of the existing church and administrative buildings on the site. The existing site landscaping on the site is not been affected by the temporary structures and should continue to help to buffer the surrounding properties from the school buildings.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Per the previous approvals, the temporary and modular buildings affiliated with the church, school, and related administrative buildings have created an environment that is not harmonious with the adjacent development. The temporary modular buildings have all exceeded the restricted amount of time given of each previous request. Although staff has found the locations of the buildings on the site to be adequate before, this analysis was based upon the assumption that each of the eight structures would be removed at set dates. Staff recommends denial of this review based upon the expiration of the previous approvals and that the temporary structures were all required to be phased out with the completion of the remaining classrooms and administrative buildings.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

From the provided information, staff has determined that the proposed development will be subject to inspections for Occupancy Permits, and therefore will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 586

APPROVALS 3

PROTESTS 17